IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND SEVEN

PRESENT
**THE HON'BLE MR JUSTICE RAMESH RANGANATHAN**
**WRIT PETITION No. 22034 of 1998**

Between:
P.Sudhakar

**..... PETITIONER**

AND
A.P.S.R.T.C., Rep. by its Vice Chairman & Managing Director,
Musheerabad, Hyderabad-500020 and 2 others

**.....RESPONDENTS**

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**WRIT PETITION No.22034 of 1998**

**ORDER:**

This writ petition is filed declaring the action of the respondents in not calling the petitioner for interview and in not considering his candidature in accordance with the Notification dated 15.06.1998 as arbitrary and illegal; and for a direction to consider the case of the petitioner for appointment to the post of Cleaner.

It is the petitioner's case that he passed ITI in the year 1984-86, that he joined as an Apprentice in APSRTC and worked as such from 30.03.1991 to 29.03.1992; that he along with others filed W.P.No.23881/1997 and this Court, by order dated 25.09.1997, directed the Corporation to consider the petitioner's candidature for appointment to the post of Cleaner, on the basis of the seniority in the apprenticeship training. Petitioner would submit that, as per the circulars issued by the Corporation, ITI apprentices are eligible for recruitment as cleaners in the Corporation in 50% of the earmarked vacancies. The petitioner would rely on Sec.22 of the Apprentices Act and to the circulars issued by the Corporation on 05.10.1987 and 17.04.1997. He would also refer the judgment of the Supreme Court in ***Uttar Pradesh Road Transport Corporation vs. U.P.Parivahan Nigam Sishu Berozgar***[1] to contend that, other things being equal, trained apprentices should be given preference over direct recruitment and, if the age bar would come in the way of trainee, the same should be relaxed in accordance with the service rules. Petitioner would contend that he had completed apprenticeship training and has been waiting for the last six years for

appointment. He would submit that the Corporation issued a notification in 'Eenadu' (Telugu daily) on 15.06.1998 calling for applications to the posts of Cleaners and, in the said notification, the condition prescribed is that as on 01.07.1998 the candidates should have been above 18 years and below 30 years of age and should have undergone ITI course and apprenticeship training in the Corporation. The petitioner would contend that, while call letters were issued to some others directing them to appear for interview on 29.07.1998, he was not called for selection. The petitioner would contend that Rule-9 of the Recruitment Regulations empowered the Corporation to relax the age and, in view of the decision of the Apex Court in ***Uttar Pradesh Road Transport Corporation vs. U.P.Parivahan Nigam Sishu Berozgar*** (1 supra), the Corporation ought to have relaxed the age subject to the maximum of 40 or 45 years as the case may be.

In the counter affidavit filed on behalf of the respondents it is specifically stated that the Corporation had issued circular dated 05.10.1987 giving preference to ITI candidates, providing 50% posts for trainees as and when vacancies arise, taking into consideration the year-wise seniority list maintained, subject to availability of vacancies. The respondents would refer to the circular dated 17.04.1997 which was issued following the guidelines issued by the Apex Court to contend that, pursuant to the notification, 52 candidates were called for interview for 18 posts in Anathapur region, that the candidates who completed apprenticeship by 1989-90 only were called for interview and that the petitioner was not eligible to be called for the interview as he had undergone training only during the year 1991-92. The respondents would contend that, however, in compliance with the directions of this Court to consider the case of the petitioner, the petitioner was allowed to appear for the interview but was not selected, as the last person among the BC candidates had secured 70.92% marks whereas the petitioner

secured only 68.77% marks.

It is unnecessary for this Court to examine the question whether the Corporation ought to have relaxed the age limit for the posts in question as per Rule 9 of the Recruitment Regulations, and as per the guidelines of the Apex Court, inasmuch as, pursuant to the interim orders of this Court, the petitioner was called for selection and was not selected, in view of the fact that he was found less meritorious than the last selected candidate.

The Writ Petition is devoid of merits and is, accordingly, dismissed. No order as to costs.

**RAMESH RANGANATHAN,J**

Dated: 26.10.2007
Dsr

[1] 1995 (2) SC Cases page-1